

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

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|------------------------------|---|----------------------------|
| ANTHONY ROACH, | § | |
| TDCJ-CID NO. 1431488, | § | |
| | § | |
| Petitioner, | § | |
| | § | |
| v. | § | |
| | § | CIVIL ACTION NO. H-10-2104 |
| RICK THALER, Director, | § | |
| Texas Department of Criminal | § | |
| Justice, Correctional | § | |
| Institutions Division, | § | |
| | § | |
| Respondent. | § | |

MEMORANDUM OPINION AND ORDER

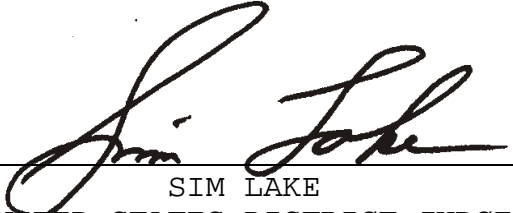
The petitioner, a prison inmate, filed this habeas action challenging a conviction for aggravated robbery. The petitioner moved for an extension of time claiming that he was under a doctor's care and that his case was still being investigated. On June 23, 2010, the court denied Appellant's First Motion for Extension of Time and instructed the petitioner to submit a Petition for a Writ of Habeas Corpus using the proper forms provided by the court. The court also instructed the petitioner to pay the filing fee or, in the alternative, submit an Application to Proceed In Forma Pauperis. The plaintiff was warned that failure to comply as directed within thirty days may result in a dismissal of this action.

The plaintiff has taken no action to comply with the court's Order, nor has he filed any response. The petitioner's failure to pursue this action forces this court to conclude that he is lacking due diligence.

Therefore, under the inherent powers necessarily vested in a court to manage its own affairs, this court determines that dismissal for want of prosecution is appropriate. See FED. R. CIV. P. 41(b); Link v. Wabash R.R., 82 S.Ct. 1386 (1962); Woodson v. Surgitek, Inc., 57 F.3d 1406, 1417 (5th Cir. 1995).

Accordingly, it is **ORDERED** that this action be dismissed without prejudice for want of prosecution.

SIGNED at Houston, Texas, this 21st day of September, 2010.


SIM LAKE
UNITED STATES DISTRICT JUDGE